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09/909,468	07/19/2001	Thomas P. McKenna JR.	4000.2.15	7240

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EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/909,468	MCKENNA, THOMAS P.	
	Examiner	Art Unit	
	Farzana E. Hossain	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-17,20-23,25,28-41,43-46,48,49 and 52-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-17,20-23,25,28-41,43-46,48,49 and 52-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/31/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

Response to Amendment

2. This office action is in response to communications filed 10/31/2007. Claims 43 and 65 are amended. Claims 1-3, 6-17, 25, 28, 41, 48, 49, 52, 66 and 67 have been previously presented. Claims 4, 5, 18, 19, 24, 26, 27, 42, 47, 50 and 51 are cancelled. Claims 20-23, 29-40, 44-46 and 53-64 are original.

Response to Arguments

3. Applicant's arguments filed 10/31/2007 have been fully considered but they are not persuasive.

Regarding Claim 1, the applicant argues that the cited references do not teach or suggest that PIOs encapsulate program in the form of routines for implementing associated actions (Page 23). The applicant argues that PIO encapsulate program code for carrying out a plurality of user selectable actions and that the applicant argues that the other element can not reasonably read to the claimed program code (Pages 23-24). The applicant further argues that elements that may be employed to carry out functions but it is not the same as program code that is execute to perform the function (Pages 23-24). The applicant argues that cited references do not teach actions are encapsulated within a PIO as routines in a machine independent format and are executable in a Java virtual machine (Page 25). The applicant argues that the PIO includes attribute data and graphical data in the form of a pictorial icon related to the single television program (Pages 26-27). The applicant further argues that the references do not teach at least one of the attributes provides data used as input for routine implement user selectable actions such that the routine is not required to access resources external to the PIO for the data (Page 26).

In response to the argument, Wong discloses program code for carrying out actions within the interactive television a plurality of user selectable actions such as program code which allows users to record a program or playback a program (Column 22, lines 40-56). The Office action did not point to Figure 8, 470 as the program code. The token is a recording or playback token which contains program code to record a program or playback a program. Other elements can include any functions or code to perform necessary functions. Wong discloses encapsulating program code for a

plurality of actions within a PIO in XML or an agreed upon format (Column 22, lines 40-56). Killian discloses that the program code comprises a routine in a machine independent format that is executable in a Java virtual machine within the interactive television system such that the routine does not need to be installed such that the routine is not required to access external resources (Column 6, lines 6-56). Wong discloses that token or PIO comprises a separate data structure for encapsulating attribute data for storing, a plurality of attributes providing information about the television program (Figure 8, 460) and graphical data for displaying a visual indicator in a graphical user interface, the visual indicator comprising a pictorial icon to facilitate user selection of and interaction with the PIO including an image and icons for more information (Figure 8, 464, Figure 6, 422, 424, Figure 9, 535, 536, 538, Figure 10). wherein at least one of the attributes provides data used as input for a routine implementing at least one of the user selectable actions such that the routine is not required to access resources external to the PIO for the data or the attributes including start time and channel implements one of the routines including recording based on a format such as XML (Column 22, lines 40-56, Figure 8, 450, Figure 1B, 40a-c, Column 14, lines 37-65). Wong clearly discloses program code that is transportable from one ITV to another ITV (Figure 6, Figure 8, 450, Figure 5). Wong discloses that routines don need to access external resources for information pertaining to the television program as the token includes all relevant information (Figure 8, 450). Therefore, Wong in combination with Killian discloses all the limitations of Claim 1.

Regarding Claims 41 and 66, the applicant argues that the cited references do not disclose or suggest one of the actions is a send action (Page 27)

In response to the argument, Wong discloses at least one of the actions comprising a send action configured to transmit the PIO to a selected interactive TV system of another user as other elements may be employed to sending the token (Figure 8, 470, Column 22, lines 40-56, Column 14, lines 52-65).

The applicant states that similar arguments would be made for the pending independent claims (Page 27). See above arguments for Claims 1, 41 and 66.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 7-11, 14-17, 20-23, 25, 29-33, 37-41, 43-46, 48, 49 and 53-57 and 60-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al (US 6,968,364 and hereafter referred to as "Wong") in view of Killian (US 6,163,316).

Regarding Claims 1, 41 and 66, Wong discloses an article of manufacture including a computer-readable medium (Figure 2, 260, 270, 242), a system for managing television (TV) programs received by an interactive television system (Figure 1), the system comprising:

a computer readable medium comprising for each of a plurality of TV programs, a program interface object (PIO) for representing a particular television program within a memory of an interactive television system (Figure 8, 450, Figure 6, Figure 2, 260, 270, 242, Column 14, lines 37-61, Column 15, lines 33-50, Column 8, lines 37-40, Column 23, lines 58-64), the PIO comprising a separate and discrete data structure for encapsulating (Figure 8, 450, Figure 6):

attribute data for storing, a plurality of attributes providing information about the television program (Figure 8, 460);

program code for carrying out a plurality of user-selectable actions within the interactive television system in connection with the television program (Figure 8, 450, 470, Column 22, lines 40-56),

wherein the program code comprises a routine in a machine independent format that is executable in a virtual machine within the interactive television system and any destination device to which the PIO is sent such that the routine does not need to be installed on the destination device prior to receiving the PIO in order to perform the associated user-selected action (Column 22, lines 40-56, Figure 6), and wherein at least one of the attributes provides data used as input for a routine implementing at least one of the user selectable actions such that the routine is not required to access resources external to the PIO for the data or the attributes including start time and channel implements one of the routines including recording based on a format such as XML (Column 22, lines 40-56, Figure 8, 450, Figure 1B, 40a-c, Column 14, lines 37-65);

and graphical data for displaying a visual indicator in a graphical user interface, the visual indicator comprising a pictorial icon to facilitate user selection of and interaction with the PIO including an image and icons for more information (Figure 8, 464, Figure 6, 422, 424, Figure 9, 535, 536, 538, Figure 10) wherein the attribute data for each of the attributes, the program code for each of the routines implementing the user-selectable actions, and the graphical data for the pictorial icon associated with the particular television program are transmittable as a unit from one interactive television system to another in response to the encapsulating PIO being sent between the interactive television systems (Figure 6, Figure 8, 450, Figure 5).

Wong discloses a display component or processor and computer executable code configured to display the visual indicators of a plurality of PIOs (Figure 9, Figure 6, Figure 8, Figure 2, 180, 260, 270, 110, Column 14, lines 37-50), a selection component configured to receive a user selection of the visual indicators corresponding to a selection PIO, wherein the selection component is further configured to display a list of user selectable actions having associated routines in connection with the TV program of the selected PIO, at least one of the actions comprising a send action configured to transmit the PIO to a selected interactive TV system of another user (Figure 6, 422, 424, Figure 8, 470, Column 22, lines 40-56, Column 14, lines 52-65, Column 12, lines 16-25), and a transmission component or processor and communications deice configured in response to the send action being selected, to transmit as a unit the attribute data for each of the attributes, the program code for each of the routines implementing the user-selectable actions, and the graphical data for the pictorial icon for

the particular TV program associated with selected PIO to another interactive TV system selected by the user (Figure 2, 180, 26, 270, 250, Column 13, lines 27-42, Column 14, lines 36-50, Column 12, lines 16-25, Figure 8, 450, Figure 6). Wong discloses means for displaying a plurality of visual indicators corresponding to different PIOs in the GUI (Figure 10, 566, 564).

Wong discloses that a PIO or token has a token schema which is in an agreed upon format such as XML (Column 22, lines 40-56). Wong is silent on a Java virtual machine within the interactive television system.

In analogous art, Killian discloses that the program code comprises a routine in a machine independent format that is executable in a Java virtual machine within the interactive television system such that the routine does not need to be installed such that the routine is not required to access external resources (Column 6, lines 6-56). Therefore, it would have been obvious to one of ordinary skill to modify Wong to include a Java virtual machine (Column 6, lines 6-56) as taught by Killian in order to not limit the user with any particular applications or applets from developers (Column 6, lines 44-45) and developers can allow viewers to more intelligent select schedule or record viewing opportunities and support any television related functionality (Column 6, lines 49-56) as disclosed by Killian.

Regarding Claims 17, 65 and 67, Wong discloses a method and a system for managing television programs received by an interactive television system, the method comprising:

a computer readable medium storing and providing, for each a plurality of TV programs, a PIO for representing a respective television program within the interactive television system (Figure 8, 450, Column 14, lines 37-65), the PIO comprising a discrete data structure for encapsulating (Figure 8, 450):

attribute data for representing a plurality of attributes providing information about the television program (Figure 8, 450, 460), program code for carrying out a plurality of user- selectable actions within the interactive television system in connection with the television program (Figure 8, 450, 470, Column 22, lines 40-56), and graphical data for displaying a visual indicator in the form of a pictorial icon in a graphical user interface to facilitate user selection of and interaction with the PIO (Figure 8, 464, Figure 6, 422, 424, Figure 9, 535, 536, 538, Figure 9, Figure 10),

wherein the program code comprises a routine in a machine independent format that is executable in a virtual machine within the interactive television system and any destination device to which the PIO is sent such that the routine does not need to be installed on the destination device prior to receiving the PIO in order to perform the associated user-selected action (Column 22, lines 40-56, Figure 6), and wherein at least one of the attributes provides data used as input for a routine implementing at least one of the user selectable actions such that the routine is not required to access resources

external to the PIO for the data or the attributes including start time and channel implements one of the routines including recording based on a format such as XML (Column 22, lines 40-56, Figure 8, 450, Figure 1B, 40a-c, Column 14, lines 37-65);

wherein the graphical user interface is other than a grid- based electronic program guide with rows and columns corresponding to channels (Figure 9, Figure 10);

displaying a plurality of visual indicators of respective PIOs in the graphical user interface (Figure 10, 554, 566);

receiving a user selection of a PIO through its visual indicator (Figure 566, 566, 568);

displaying a context menu listing the available actions having associated routines within the PIO (Figure 6, 422, 422, 424, Figure 8, 450, 470, Column 22, lines 40-56);

receiving a user selection of one of the available actions including recording, playback or sending data (Column 22, lines 40-56, Figure 8, 450, Figure 1B, 40a-c);

retrieving data from at least one attribute within the PIO required by the routine used to implement the selected action or using time or channel based on the selected action of recording (Column 22, lines 40-56, Figure 8, 450, Figure 1B, 40a-c); and

a filtering component configured to filter an initial set of PIOs according to user-specified filtering criteria based on genres of the respective TV programs (Figure 10, 560, Figure 8, 508, Figure 2, 180, 260, 270, Column 13, lines 1-42, Column 14, lines 37-65, Figure 9),

an icon display component or processor with EPG and token applications and computer executable code configured to display the pictorial icons in the graphical user interface corresponding only to the PIOs satisfying the filtering criteria or each program selected via filtering search results can include title and pertinent information including pictorial icons (Figure 9, 534, 532, Figure 10, 560, Figure 8, 508, Figure 2, 180, 260, 270, Column 12, lines 16-25, Column 13, lines 1-42, Column 14, lines 37-65, Figure 9),

an icon selection component or processor with EPG application, token application and computer executable code configured to receive a user selection of an icon corresponding to a selected PIO (Column 23, lines 58-67, Column 24, line 1, Figure 10, 560, Figure 8, 508, Figure 2, 180, 260, 270, Column 12, lines 16-25, Column 13, lines 1-42, Column 14, lines 37-65, Figure 9),

an action display component or processor with EPG and token applications and computer executable code configured to display a list of user-selectable actions associated with the selected PIO from the list (Figure 6, 422, 424, Column 22, lines 40-56, Figure 9, 522, Figure 2, 180, 260, 270, Column 12, lines 16-25, Column 13, lines 1-42, Column 14, lines 37-65, Figure 9),

an action selection component or processor with EPG and token applicant configured to receive a user selection of an action associated with the selected PIO from the list (Figure 2, 180, 260, 270, Column 12, lines 16-25, Column 13, lines 1-42, Column 14, lines 37-65, Figure 9, Figure 5, Figure 6); and

an action execution component or processor with EPG and token applications and computer executable code configured to execute the routine program code included with the PIO for the selected action in the virtual machine within the interactive television system (Figure 2, 180, 260, 270, Column 12, lines 16-25, Column 13, lines 1-42, Column 14, lines 37-65, Figure 9, Column 22, lines 40-56). Wong discloses that a PIO or token has a token schema which is in an agreed upon format such as XML (Column 22, lines 40-56). Wong is silent on a Java virtual machine within the interactive television system.

In analogous art, Killian discloses that the program code comprises a routine in a machine independent format that is executable in a Java virtual machine within the interactive television system such that the routine does not need to be installed such that the routine is not required to access external resources (Column 6, lines 6-56) and executing routines in the Java virtual machine (Column 6, lines 6-56). Therefore, it would have been obvious to one of ordinary skill to modify Wong to include a Java virtual machine and executing routines on the Java virtual machine (Column 6, lines 6-56) as taught by Killian in order to not limit the user with any particular applications or applets from developers (Column 6, lines 44-45) and developers can allow viewers to more intelligent select schedule or record viewing opportunities and support any television related functionality (Column 6, lines 49-56) as disclosed by Killian.

Regarding Claims 2 and 48, Wong and Killian disclose all the limitations of Claims 1 and 41 respectively. Wong discloses that the visual indicator comprises one of a graphical icon (Figure 8, 464) and a video clip (Figure 8, 464).

Regarding Claims 3, 25, and 49, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses audio data for an audible indicator or audio clip or sound effects capable of being played back the interactive TV system (Column 21, lines 62-65).

Regarding Claims 7, 29, and 53, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses that an attribute comprises a title of a program (Figure 8, 460).

Regarding Claims 8, 30, and 54, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses that an attribute comprises a broadcast time of a program (Figure 8, 460). Killian discloses an attribute comprises a starting time of a program (Figure 5, 114).

Regarding Claims 9, 31, and 55, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses that an attribute comprises a running time of a program as the running time of programs are displayed or duration and time (Figure 8, 460).

Regarding Claims 10, 32, and 56, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses that an attribute comprises a description of a program as the description of programs is displayed (Figure 8, 462).

Regarding Claims 11, 33, and 57, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses that an attribute comprises an indication of channel on which the program is broadcast (Figure 8, 460).

Regarding Claims 14, 36, and 60, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses the display component is configured to display an attribute of the selected PIO (Column 13, lines 11-12, Figure 9, 532, 534, Figure 8).

Regarding Claims 15, 37, and 61, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses that the recording component or processor with token application is configured to record a TV program corresponding to the selected PIO within the interactive TV system (Column 22, lines 40-49, Figure 8, 470, Figure 2, 180, 240, 242).

Regarding Claims 16, 39, and 63, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses the display component is configured to display an attribute of the selected PIO (Column 13, lines 11-12).

Regarding Claims 20 and 44, Wong and Killian disclose all the limitations of Claims 17 and 41 respectively. Wong discloses a population component configured to filter an initial set of PIOs according to user-specified filtering criteria based on genres of the respective TV programs (Figure 10, 560, Figure 8, 508, Figure 2, 180, 260, 270, Column 13, lines 1-42, Column 14, lines 37-65, Figure 9) and a display component or processor with EPG and token applications and computer executable code configured to display the pictorial icons in the graphical user interface corresponding only to the

PIOs satisfying the filtering criteria or each program selected via filtering search results can include title and pertinent information including pictorial icons (Figure 9, 534, 532, Figure 10, 560, Figure 8, 508, Figure 2, 180, 260, 270, Column 12, lines 16-25, Column 13, lines 1-42, Column 14, lines 37-65, Figure 9).

Regarding Claims 21 and 45, Wong and Killian disclose all the limitations of Claims 17 and 41 respectively. Wong discloses a communication component configured to receive at least one PIO from a remote system or the user receiving a token (Figure 1B, Figure 2, 250, Figure 5, Figure 13, Column 15, lines 37-45).

Regarding Claim 22, Wong and Killian disclose all the limitations of Claim 17. Wong discloses a communication component configured to transmit at least one PIO to a remote system in response to a user command (Figure 6, Figure 5).

Regarding Claim 23, Wong discloses all the limitations of Claims 21. Wong discloses modifying at least one attribute of a PIO in response to a schedule change (Column 32, lines 53-67, Column 33, lines 1-21).

Regarding Claims 38 and 62, Wong and Killian disclose all the limitations of Claims 37 and 61 respectively. Wong discloses that the recording component or processor including token application is configured to record a TV program corresponding to the selected PIO at a time indicated by the program (Column 22, lines 40-56).

Regarding Claims 40 and 64, Wong and Killian disclose all the limitations of Claims 39 and 63 respectively. Wong discloses a PIO or token with action of playback of programming (Column 22, lines 40-49). Wong discloses retrieving programming for

playing and using the title or an attribute of the selected PIO displaying the stored recording of the TV program (Column 13, lines 13-21).

Regarding Claim 43, Wong and Killian disclose all the limitations of Claim 41. Wong discloses the list is displayed in a context sensitive menu associated with the visual indicator of the selected PIO to send or record the program (Figure 8, Figure 6, Figure 9).

Regarding Claim 46, Wong and Killian disclose all the limitations of Claim 45. Wong discloses the PIO is received from a remote system via e-mail (Figure 5, Figure 6, Column 15, lines 37-45).

6. Claims 6, 28, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Killian as applied to Claims 1, 17, 41 above and further in view of Maryka et al (US 6,490,616 and hereafter referred to as "Maryka").

Regarding Claims 6, 28, and 52, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses PIOs in a format such as XML such that routines can perform without accessing external resources. Killian discloses a Java Virtual machine. Wong and Killian are silent on JavaBean object. In analogous art, Maryka discloses a method and system of transferring objects between two computers or a server and a user device (Column 2, lines 43-50) and that the objects are JavaBean objects (Column 3, lines 5-7). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include that JavaBean objects are transferred between a server and a user device (Column 3, lines 5-7, Column 2, lines

43-50) as taught by Maryka in order to deliver software to numerous user devices with different hardware platforms (Column 1, lines 14-29) as disclosed Maryka.

7. Claims 12, 34, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Killian as applied to Claims 1, 17, 41 above and further in view of Hassell et al (US 2003/0149980 and hereafter referred to as "Hassell").

Regarding Claims 12, 34, and 58, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses that a PIO includes other elements which playback of programs (Column 22, lines 40-49). Wong and Killian are silent on the at least one attribute comprises a storage location of the television program. In analogous art, Hassell discloses a system that transmits program guide information to the users (Figure 1, 22, Figure 5A). Hassell discloses that the EPG can provide listings of programs that are stored on digital storage device (Page 4, paragraphs 0044), that a user can record a program on any mediums including DVD player with recordable DVD discs, magnetic storage drive, removal storage (Page 2, paragraph 0019-0021), and that the program listing will have an attribute of the storage location of the program (Figure 13, Figure 5a, Figure 5b, Figure 21, 552, 528, Figure 4, Page 8, paragraph 0087). Therefore, it would have been obvious to modify the combination to include the storage location of the program (Figure 13, Figure 5a, Figure 5b, Figure 21, 552, 528, Figure 4, Page 8, paragraph 0087) as taught by Hassell in order to provide a more convenient EPG to the user with allowing more advanced features with digital storage (Page 1, paragraph 0006) as disclosed by Hassell.

8. Claims 13, 35, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Killian as applied to Claims 1, 17, 41 above and further in view of Ellis et al (US 2005/0028208 and hereafter referred to as "Ellis").

Regarding Claims 13, 35, and 59, Wong and Killian disclose all the limitations of Claims 1, 17 and 41 respectively. Wong discloses the PIO can have other elements (Figure 8, 460). Wong and Killian are silent on alternative languages. In analogous art, Ellis discloses providing alternative languages for the program guides (Page 2, paragraph 0024). Therefore it would have been obvious to one of ordinary skill in the art to modify the combination to include providing alternative languages for the program guides (Page 2, paragraph 0024) as taught by Ellis in order to provide a more versatile EPG for user to choose programming (Page 3, paragraph 0027) as disclosed by Ellis.

Conclusion

9. This is a continuation of applicant's earlier Application No. 09/909,468. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
December 17, 2007

CHRIS KELLEY
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